

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Kayona McFadden,

Case: 4:22-mj-30490

Assigned To : Ivy, Curtis, Jr

Assign. Date : 11/8/2022

Description: IN RE SEALED MATTER (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 7/12/22, 8/6/21, 4/20/21, 3/1/21 & 10/5/20 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 924(a)(1)(1)

Knowingly making false representations on ATF Form 4473

This criminal complaint is based on these facts:

I have probable cause to believe that on July 12, 2022, August 6, 2021, April 20, 2021, March 1, 2021, and October 5, 2020, Kayona McFadden knowingly made false representations related to whether she was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing firearms on the above dates, in violation of Title 18 U.S.C. § 924(a)(1)(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence and/or by
reliable electronic means.

Date: 11/8/22City and state: Flint, MI

*Complainant's signature*Todd Monfette, Special Agent, ATF*Printed name and title*

*Judge's signature*Hon. Curtis Ivy, Jr., United States Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Todd Monfette, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since July of 2017. I am currently assigned to the Detroit Field Division, Flint Field Office. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. As an ATF agent, I have been involved in numerous investigations of federal drug and firearm offenses.

2. I make this affidavit based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Based on the facts below, I have probable cause to believe that on July 12, 2022, August 6, 2021, April 20, 2021, March 1, 2021, and October 5, 2020, Kayona McFadden (XX-XX-1997) knowingly made false representations related to whether she was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing firearms on the above dates, in violation of Title 18 U.S.C. § 924(a)(1)(a). I also have

probable cause to believe McFadden knowingly provided pistols to an individual under the age of 21 in order to circumvent Title 18 U.S.C. § 922(b)(1) which prohibits a Federal Firearms licensee (FFL) from selling or delivering a firearm other than a shotgun or rifle to a person the licensee knows or has reasonable cause to believe is under 21 years of age.

PROBABLE CAUSE

4. In July of 2022, an employee of Williams Gunsight, an FFL located in Davison, MI, contacted the ATF regarding the recent purchase of a pistol by McFadden on July 12, 2022. Employees at Williams were suspicious of the circumstances surrounding the purchase of the firearm, a Century Arms, model Micro Draco, 7.62X39 caliber pistol, S/N: 21-PMD-26272, by McFadden. Specifically, taken as a whole, the



Stock image of Micro

employees from Williams found it suspicious that McFadden (1) came into the store several times on July 12, 2022 before purchasing the firearm; (2) that she was dropped off and picked up at the entrance of the store when she came to purchase the firearm; (3) that she made the purchase with cash in nearly the exact amount of the purchase price; and (4) that she purchased a Micro Draco, which is a very powerful handgun that shoots a rifle caliber round and is not normally a firearm preferred by women. Under the circumstances, the employees were concerned that McFadden may have purchased the firearm for someone else.

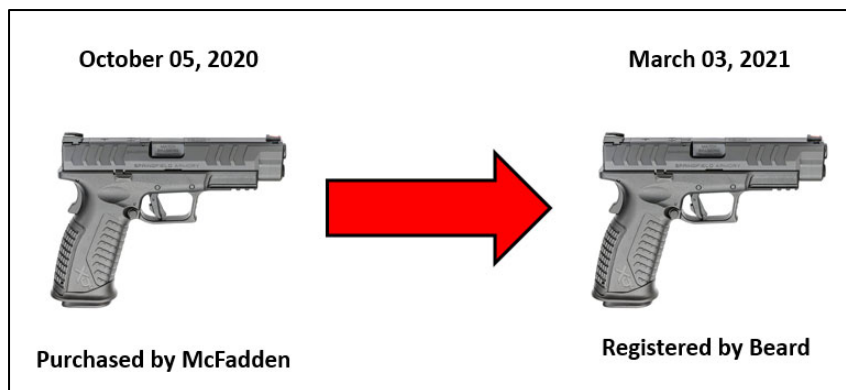
5. A Law Enforcement Information Network (LEIN) query of firearms registered to McFadden revealed a total of eight pistols registered to McFadden since April of 2020. Of note was the fact that the Micro Draco that McFadden purchased on July 12, 2022, was subsequently registered to 20-year-old Raymone Jess Beard (hereafter “Beard”) approximately 3 weeks after McFadden made the purchase.

6. Pursuant to 18 U.S.C. § 922(b)(1), a Federal Firearms Licensee is prohibited from selling or delivering a firearm, other than a shotgun, rifle, or ammunition, to any person under 21.

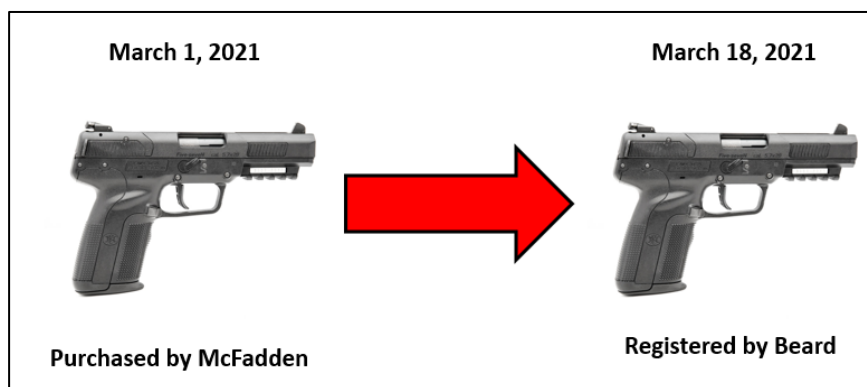
7. It is my training and experience that FFLs typically have the most up-to-date stock of popular firearms. It is further my training and experience that individuals under 21, attempting to purchase the most up-to-date firearms, will utilize straw purchasers to obtain firearms from an FFL in order to circumvent federal statutes that prohibit them from purchasing firearms directly from an FFL.

8. A LEIN query of firearms registered to Beard revealed six pistols registered in his name since October 2020. A LEIN query and review of ATF form 4473’s revealed McFadden was the original purchaser of all six pistols registered to Beard, who was at the time of registration and is still, under 21 years of age, specifically:

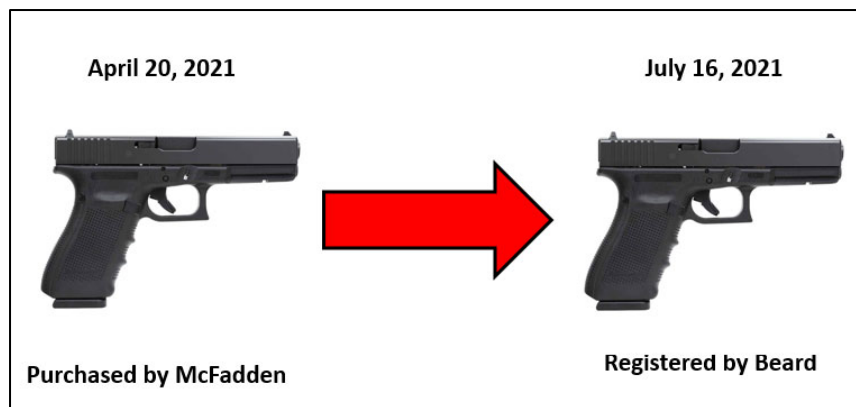
(1) On October 5, 2020, McFadden purchased a Springfield, model XDM-10, 10mm pistol, S/N: AT226007 from Mega Pawn 1, an FFL located in Flint, MI. On March 3, 2021, the pistol was registered to Beard who at the time was 19 years of age.



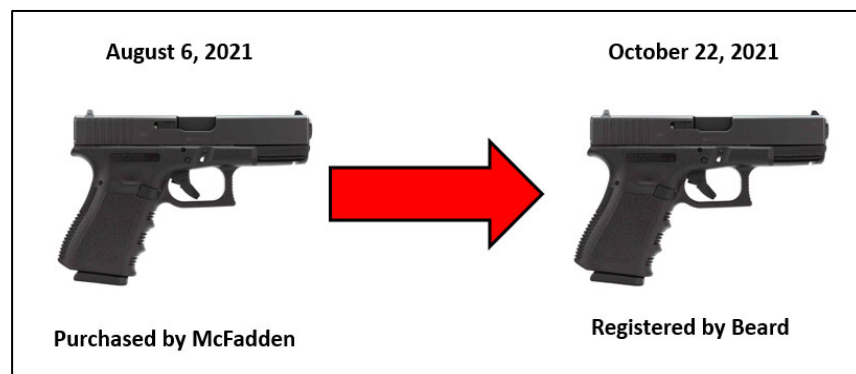
(2) On March 1, 2021, McFadden purchased an FN, model Five-Seven, 5.7mm pistol, S/N: 386328373 from Williams Gunsight in Davison MI. On March 18, 2021, the pistol was registered to Beard who at the time was 19 years of age. On May 07, 2021, the firearm was registered to another individual.



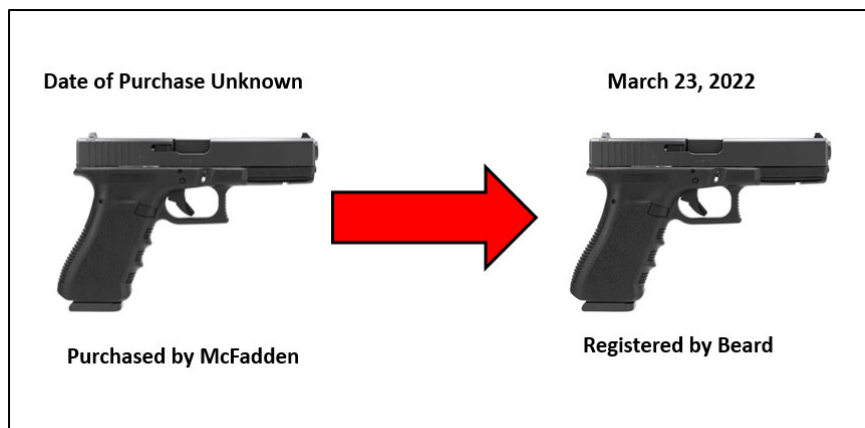
(3) On April 20, 2021, McFadden purchased a Glock, model 20, 10mm pistol, S/N: BTEK918 from Hunter In Sight Firearms LLC. an FFL located in Ortonville, MI. On July 16, 2021, approximately three months later, the pistol was registered to Beard, who at the time was 19 years of age.



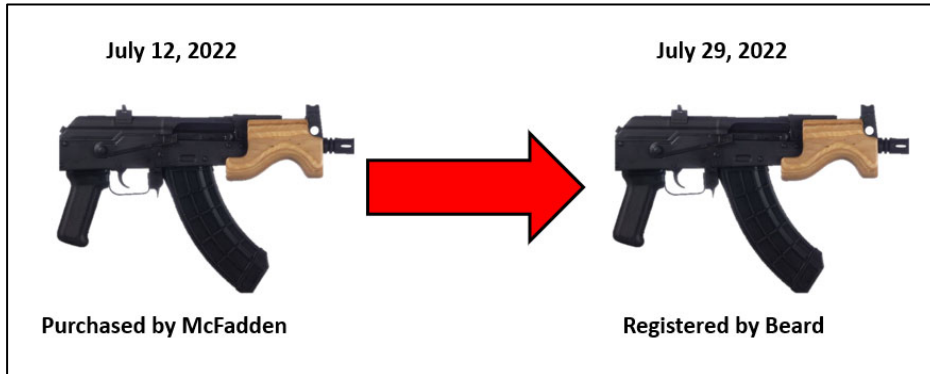
(4) On August 6, 2021, McFadden purchased a Glock, model 23, .40 caliber pistol, S/N: BSYL458 from Williams Gunsight in Davison, MI. On October 22, 2021, less than two months later the pistol was registered to Beard who it is currently registered to. Beard was 19 years old at the time the firearm was registered to him.



(5) On March 23, 2022, Beard registered a Glock, model 22, .40 caliber pistol, S/N: BVLA533 which was originally purchased from Not Just Guns, an FFL located in Mason Michigan which is in the Western District of Michigan by McFadden. Beard was 20 years of age when the firearm was registered to him.



(6) On July 12, 2022, as described above, McFadden purchased a Century Arms, model Micro Draco, 7.62x39 caliber pistol, S/N:21-PMD-26272 from Williams Gunsight in Davison MI. On July 29, 2022, approximately 3 weeks later, the pistol was registered to Beard who it is currently registered to. Beard was 20 years of age when the firearm was registered to him.



9. Based upon the repeated re-sale of pistols to an individual under 21 years of age, including McFadden's purchase and immediate re-sale of a pistol approximately three months ago, I believe that McFadden's circumventing of the law and firearm trafficking is an ongoing endeavor; that McFadden has made false statements on ATF

Forms 4473 in relation to the purchases of firearms; and that McFadden is engaging in the business of dealing in firearms without a license.

10. McFadden completed an ATF Form 4473 with respect to all of the purchases from William's Gunsight, Mega Pawn 1 and Hunters in Sight.

11. ATF Form 4473 is required to be completed when a person proposes to purchase a firearm from a Federal Firearms License (FFL) holder, such as a gun dealer. The form contains the purchaser's name, address, date of birth, government-issued photo ID, National Instant Criminal Background Check System (NICS) background check transaction number, and a short affidavit stating that the purchaser is eligible to purchase firearms under federal law. It also contains the make, model, or serial numbering the firearm. Lying on the form is prohibited under 18 U.S.C. § 924(a)(1)(A).

12. As part of this form, the transferee/buyer certifies they are purchasing the firearm for him/herself (question 21.a).

13. The form (question 22) also explains and requires certification the transferee/buyer is aware that "the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a federal firearms license is a violation of Federal law. I am aware that under 18 U.S.C. § 922(a)(1) it is unlawful for a person to engage in the business of dealing in firearms without a license."

14. At the conclusion of the form, the transferee/buyer must personally complete and certify (sign and date) that the answers provided are true, correct, and complete.

15. As an ATF agent, I have received training related to “red flags” or other indications of firearm trafficking. Based on my training, I know when an individual purchases a high quantity of firearms in a short amount of time, it is an indicator of firearm trafficking.

16. Additionally, I know an individual purchasing a high quantity of pistols and selling them to individuals under the age of 21 is another indicator of firearm trafficking.

17. I have reviewed all of the ATF Forms 4473 which McFadden completed with respect to her firearms purchases on July 12, 2022, August 6, 2021, April 20, 2021, March 1, 2021, and October 5, 2020. On each of the forms McFadden certified that she was the actual transferee/buyer of all of the firearms.

CONCLUSION

18. Based upon all of this information, there is probable cause that on July 12, 2022, August 6, 2021, April 20, 2021, March 1, 2021, and October 5, 2020, Kayona McFadden made false representations related to whether she was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing firearms on the above dates, in violation of Title 18 U.S.C. § 924(a)(1)(a).

Respectfully submitted,



Todd Monfette
ATF Special Agent

Sworn to before me and signed in my presence and/or by reliable electronic means on this 8th day of November, 2022.



Curtis Ivy Jr.
United States Magistrate Judge